

PRESENT:

Dr. William P. Brown, Chairman

Dr. Edgar V. Wallin, Vice Chairman

Mr. Russell Gulley

Mr. J. Dale Patton

Mr. Reuben J. Waller, Jr.

Mr. Kirkland A. Turner, Secretary to the Commission,

Planning Director

ALSO PRESENT:

Dr. David Pritchard, Implementation Coordinator for the Comprehensive Plan, County Administration

Mr. Carl D. Schlaudt, Planning Manager, Development Review Section, Planning Department

Mr. Glenn E. Larson, Assistant Director, Plans

and Information Section, Planning Department

Mr. Michael E. Tompkins, Assistant Director,

Development Review Section, Planning Department

Mr. Greg E. Allen, Planning Manager, Development Review Section, Planning Department

Ms. Jane Peterson, Planning and Special Projects Manager, Development Review Section, Planning Department

Mr. Rob Robinson, Senior Assistant County Attorney, County Attorney's Office

Mr. Robert Clay, Planning and Special Projects Manager,
Development Review Section, Planning Department

Ms. Stacy Taffer, Administrative Manager,

Plans and Information Section, Planning Department

Ms. Erica Hess, Administrative Assistant,

Plans and Information Section, Planning Department

Ms. Teresa C. Davis, Planning and Special Projects Coordinator, Development Review Section, Planning Department

Ms. Darla W. Orr, Planning and Special Projects Manager, Development Review Section, Planning Department

Mr. Ryan Ramsey, Senior Planner, Development Review Section, Planning Department

Mr. Alan Coker, Senior Planner, Development

Review Section, Planning Department Mr. Jeff Dopp, Senior Planner, Development

Review Section, Planning Department

Ms. Jessica Crews, Senior Planner, Development

Review Section, Planning Department

Mr. Ray Cash, Senior Planner, Development

Review Section, Planning Department

Ms. Heather Barrar, Principal Planner, Advance Planning and

Research Section, Planning Department

Mr. James K. Bowling, Principal Planner,

Advance Planning and Research Section, Planning Department

Ms. Joanne Simmelink, Planner, Advance Planning and

Research Section, Planning Department

Ms. Sytira Saunders, Planner, Information Management

Section, Planning Department

Mr. Allan Carmody, Director

Budget Management

Mr. R. John McCracken, Director,

Transportation Department

Mr. James Banks, Assistant Director,

Transportation Department

Mr. Jesse Smith, Senior Civil Engineer

Transportation Department

Mr. Scott Smedley, Director

Environmental Engineering Department

Mr. Doug Pritchard, Engineering Supervisor

Environmental Engineering Department

Mr. Randy Phelps, Principal Engineer,

Utilities Department

Mr. Stuart Connock, Chief of Parks/Planning and Construction Services,

Parks and Recreation Department

Mr. Garrett Hart, Assistant Director,

Economic Development Department

Firefighter Greg Smith, Fire and Life Safety,

Fire and EMS Department

Dr. Cynthia O. Richardson, Director of Planning,

School Administration

Mr. Dave Wolverton, Microcomputer Analyst

Information Systems Technology

ASSEMBLY AND WORK SESSION.

Messrs. Brown, Wallin, Gulley, Patton, Waller and staff assembled at 2:00 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

- I. Requests to Postpone Action, Emergency Additions, Changes in the Order of Presentation.
- II. Review Upcoming Agendas. (Any rezoning, conditional uses or conditional use planned developments scheduled for future meetings.)
- III. Review Day's Agenda. (Any items listed for the 4:00 p.m. and 6:00 p.m. Sessions.)

- IV. Work Program Review and Update.
- V. Planning Commission Follow-Up Items List.
- VI. Comprehensive Plan General Steps Implementation Update Phase I.
- VII. Tower Siting Policy.
- VIII. Discussion Regarding Subdivision Process Improvements.
- IX. Code Amendment Relative to Tree Canopy Requirements in Upper Swift Creek.
- X. Code Amendment Relative to Technology Zones.
- XI. Discussion Regarding CDIS Lockout Process.
- XII. Recess.

AYES: Messrs. Brown, Wallin, Gulley, Patton and Waller.

II. REVIEW UPCOMING AGENDAS.

Ms. Jane Peterson apprised the Commission of the caseload agendas for September, October, November and December, 2013.

III. REVIEW DAY'S AGENDA.

Mr. Greg Allen presented an overview of, and staff's recommendations for, requests to be considered at the 4:00 p.m. session.

Ms. Jane Peterson presented an overview of, and staff's recommendations for, requests to be considered at the 6:00 p.m. session.

Mr. Gulley requested the Chairman place an additional discussion item on the agenda relative to the lateness of the Commission receiving complex cases.

The Commission agreed to add the request as Item IV.

IV. DISCUSSION – LATENESS OF COMPLEX CASES RECEIVED BY COMMISSION

Mr. Gulley expressed concern regarding an unofficial agreement that he thought existed between the Commission and Planning staff relative to the receipt of late proffers for complex cases. He indicated that it is unfair to the Commission and the public to receive staff analyses for these types of cases at such a late date, that this does not afford the opportunity to digest and address issues or concerns before the public hearing, and that these recent cases should have a staff recommendation for deferral.

In response, Mr. Turner stated that staff is also concerned with this trend of late proffer submittals by applicants and in an effort to present cases to the Commission, staff has been working beyond deadlines. This has consumed staff time that should be spent working on other cases. He requested the Commission support enforcing submittal deadlines that are published. He also stated that he has directed the zoning team to observe deadlines and prepare a staff recommendation based on information received as of deadline dates. In addition, if late changes come forward, staff would prepare an addendum as time permits; otherwise, staff would recommend a deferral. Mr. Turner asked the Commission to support staff in this effort.

There was consensus among the Commission to support Mr. Turner's request.

V. WORK PROGRAM - REVIEW AND UPDATE. ■ WORK PROGRAM

Mr. Turner provided a staff update regarding the vacant Clerk position, noting that more than 100 applications were received. He then introduced Bonnie Perdue as Clerk to the Commission stating that she would begin work on September 3, 2013.

There were no comments on items listed on the work program.

VI. PLANNING COMMISSION FOLLOW-UP ITEMS LIST. ☐ FOLLOW-UP LIST

Mr. Kirk Turner indicated that a number of the items noted are listed on the day's Work Session Agenda.

VII. COMPREHENSIVE PLAN GENERAL STEPS IMPLEMENTATION UPDATE - PHASE I. 🗈

Dr. Pritchard provided an update on the Comprehensive Plan General Steps Implementation. He stated that three of eight projects are complete. He stated the that Phase II Prioritization, Water and Wastewater Facilities Plan and the Properties that are Zoned Contrary to the Comprehensive Plan projects have been drafted. Reports have been sent to the Board of Supervisors and Planning Commission in anticipation of individual briefings next week to receive direction and feedback before their finalization. He indicated the Utilities Ordinance project has been delayed based on concerns expressed by Board and Commission members that they had not seen the Water and Wastewater Facilities Plan and they wanted to see this before moving on.

Mr. Gulley stated that while reviewing the Water and Wastewater Facilities Plan, he did not see anything in the water strategy section that differed from previous meetings on the topic and that the document lacks a long term water strategy.

Dr. Wallin indicated he supports Mr. Gulley's comments, noting that the document seems like a consultant's report and based on the report, it gives too many options and no recommendations. He also stated that there is a need for a vision to help guide the Board and Commission for future quality and quantity of drinking water for Chesterfield County.

Mr. Gulley stated that it was his understanding that the County would have a long term water strategy and to date, one does not exist. He also noted the conflict between water conservation and how the conservation of water affects revitalization efforts.

Mr. Patton indicated that he likes the executive summary, composition and layout of the document. He agreed with Mr. Gulley and Dr. Wallin that there were ideas and suggestions that left unanswered questions; that the document didn't have a sense of urgency and lacked direction.

Mr. Gulley stated he had concerns with the Appomattox River Water Authority and City of Richmond relative to water supply and that we are placing a lot of trust in these entities to guide economic development and growth in the County.

Mr. Patton indicated that the document raised more questions than answers and that there was no urgency in the document relative to shortage and constraints with Lake Chesdin.

Dr. Wallin indicated that he would like staff to be prepared to address questions regarding water source, storage, education, appropriate management of existing water and stormwater at next week's meetings.

Dr. Pritchard acknowledged the Commission's comments. He indicated the Water Resources chapter was broken down into two phases, supply and demand management. He noted at next week's meetings, staff is looking forward to receiving feedback to help guide and provide direction.

Mr. Gulley indicated he expected the consultant to make recommendations not provide options, and that he expected a water supply strategy from the consultant.

Dr. Pritchard indicated the Revitalization Strategy has been completed through the revitalization process and is ready to be distributed to the Commission within the next couple of days. Based on feedback from the Commission and public comments, changes were made to the review process by the Commission and public. Dr. Pritchard expressed his appreciation to the Commission for their feedback.

VIII. TOWER SITING POLICY.

Mr. Robert Clay provided an update on the Tower Siting Policy based on the April 16 and June 18 work sessions to review recommended Practices and Possible Conditions for incorporation into an amended Tower Siting Policy. He noted the Commission recommended modifications and additions to documents presented at those work sessions and directed staff to prepare a draft of the proposed policy for the current work session. Mr. Clay indicated that the draft Tower Siting Policy and associated documents have been updated based on comments from the June 18, 2013 work session. He also requested the Commission schedule a public hearing on the proposed Policy after the work session. He stated staff provided the following two (2) documents for the Planning Commission's review: Telecommunications Tower Siting Policy and a list of materials and information that an applicant would present as a part of their application.

Mr. Clay indicated that he had three (3) items to present to the Commission. He stated items on the matrix noted by Messrs. Gulley and Waller have been addressed and that most of the questions raised are covered in the setbacks section as well as the structural integrity certification. Mr. Clay continued with a slide presentation on existing tower designs in the county and how they relate to the proposed Policy. Mr. Clay also noted that the County's proposed definition for flush mount limits an antenna not to extend beyond one (1) foot from the face of the structure differing from the industry standard of twelve (12) feet or less. As a follow up to a previous question by the County Attorney, Mr. Clay indicated that some carriers do self- insure and that the staff will need to modify language to reflect that information. He also addressed a previous question from Mr. Patton, relative to compliance with proposed fall zones on existing towers in the County, noting that this data is unavailable having never been an issue when the existing towers were constructed.

Mr. Patton expressed concern relative to the negative impact on the industry and services if the County places certain restrictions in the policy without knowing the ramifications.

In response to a question of Mr. Patton's, Mr. Clay indicated that the tower industry prefers not to flush mount the antennae, given that this limitation could limit the number of carriers on one (1) structure, increasing the need for more towers.

Mr. Waller stated that carriers will design compatible systems to allow for multiple carriers to use the towers regardless of the design and feels clarification is needed for what constitutes a flush mount antenna. Mr. Clay explained that the proposed Policy considers anything exceeding one foot from the pole as a sectored array.

Dr. Brown said he had no issues with the one to three foot diameter from the pole as a flush mount, but he would like clarification if the distance from the pole makes a difference in the service/signal received. Mr. Gulley also expressed concerns about exceptions on setbacks.

Mr. Turner indicated that the adoption of a policy does not require public hearing, but can be open to the public for input. Dr. Wallin suggested the item be placed on the 6:00 pm agenda for public input and Mr. Turner agreed.

IX. DISCUSSION REGARDING SUBDIVISION PROCESS IMPROVEMENTS. 🖹

Mr. Greg Allen advised that in January 2010, the cross-departmental Subdivision Team began modifying the processes for subdivision review.

Mr. Allen indicated Chesterfield County officials met in July 2013 with Henrico County to compare the steps each County takes to review the approval processes to determine if there was anything they did that staff could replicate to help speed up our process. He concluded that differences with the number of staff, and their review process and budgets, made it difficult to compare one county's process with another. The Environmental Engineering process will be reported on in October 2013.

In response to Mr. Gulley, Mr. Allen advised the new Environmental Engineering director is on board with the changes and was part of the Henrico County visit.

Mr. Waller asked if the check-off list was successful in catching less than adequate plans and rejected them as not ready. Mr. Allen confirmed that that process is successful and in the first twelve (12) to eighteen (18) months, about 25% of the plans submitted were turned down because they were not ready. At this time it appears the development community is embracing the processes that began in January 2010. Mr. Allen concluded that there have been some very quiet years regarding new subdivision plans in 2010, 2011, and 2012 and now in 2013, we are beginning to see some new development plans with the new process being used successfully.

Dr. Brown advised he has received some comments from local businessmen that felt they received conflicting descriptions about requirements. He suggested that the language be consistent to quell complaints. Mr.Turner agreed the language needs to be consistent and advised he and Mr. Allen are open to receive any comments from local business owners and developers.

X. <u>CODE AMENDMENT RELATIVE TO TREE CANOPY REQUIREMENTS IN UPPER SWIFT CREEK.</u>

Mr. Greg Allen advised this change affects the Upper Swift Creek area and with nearly five (5) years of little development, there have been few opportunities to use this ordinance. Now with construction activity increasing, he acknowledged the language needs to be clearer. He explained that currently, when a plan comes in for a new subdivision, it's hard to determine if the twenty (20%) tree canopy requirement is for the entire subdivision, or for each section of the subdivision. He noted there are many creeks, buffers and wetlands where trees are already being retained in new subdivisions. If you

look at the overall percentage of tree canopy being saved just through these measures, this would meet the twenty (20%) requirement. However if you look at an area of fifty (50) homes in a cluster, you would not find the twenty (20%) tree canopy. Mr. Allen recommended a clarification in where the 20% tree canopy is preserved or planted within a new subdivision. He also recommended that the Planning Department take responsibility for the oversight of this process from Environmental Engineering as Planning routinely deals with landscaping issues.

Mr. Kirk Turner suggested preserving a larger stand of trees as they tend to thrive whereas a smaller cluster of trees will be weakened and typically not survive. He advised the larger tree canopy method provides a natural habitat for wildlife and makes for a better project.

In response to Mr. Gulley, Mr. Turner advised that mass grading can still occur so long as the minimum tree canopy is protected.

In response to Mr. Turner, Mr. Patton asked if this was subdivision specific and Mr. Turner advised it was.

Dr. Wallin commented the twenty (20%) will encourage longer range planning for tree canopy.

Mr. Waller talked about the shift in the late 1990's to 2000 when developers cleared land for subdivisions and planted just a few trees here and there as compared to the developments like Woodlake, Hampton Park and Smoketree where indigenous tress were left in the development and they thrived.

Mr. Kirk Tuner advised that with the revised ordinance we need to pay attention to environmental responsibilities and do a better job of tree preservation.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to set a public hearing for Code Amendment Relative to Tree Canopy Requirements in Upper Swift Creek for October 15, 2013.

AYES: Messrs. Brown, Wallin, Gulley, Patton and Waller.

XI. CODE AMENDMENT RELATIVE TO TECHNOLOGY ZONES. 🗈

Mr. Ray Cash advised that Virginia's Enterprise Zone, which refers to Jefferson Davis Corridor Primary Enterprise Zone and the Hull Street Road Subzone, will expire on January 1, 2014. He recommended that the Zoning Ordinance Section 19-25 (fees) add "Technology Zones" wherever "Enterprise Zones" are used.

Dr. Wallin suggested that staff consider establishing additional technology zones and developing criteria for such zones in the future.

Mr. Waller asked about the Section 19-25 fees excluding the Chesterfield County Airport. In response Mr. Kirk Turner indicated that the Airport, Utilities and Schools are enterprised departments and have their own accounting departments.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to set a public hearing for Code Amendment Relative to Technology Zones for September 17, 2013.

AYES: Messrs. Brown, Wallin, Gulley, Patton and Waller.

XII. DISCUSSION REGARDING CDIS LOCKOUT PROCESS. 🗈

Ms. Jane Peterson stated that the Planning Department had been asked by the Commission to look at designing safeguards to CDIS to regulate late proffer submittals, noting CDIS is based on a program that allows applicants to submit proffers up until the public hearing. She indicated IST has the ability to make code changes to lock the receipt of the proffers. She stated locking the system may encourage the applicants to seek other ways to submit their proffered conditions such as hard copy, fax or email. Late proffer submittals are sometimes acceptable and IST would have to unlock and then lock the system to accommodate those submittals. IST cannot instantaneously lock and unlock the system and the implementation process to make the change could take approximately two (2) months. Submitting proffers online still requires a final hard copy. Polices relative to submittal of late proffered conditions is a larger issue that requires further discussion.

Mr. Gulley expressed concerns about the late submittal of complex proffers, indicating such cases should be deferred. He further stated if the system is not locked down in conjunction with that policy, it leaves open the opportunity for legal action should applicants incorrectly believe their late proffers are the subject of consideration by the Commission in their decision. Furthermore, he stated if the Commission is to adhere to the lockout date for complex proffers, a policy needs to be in place. He stated he would like to take the accountability and responsibility off of Planning staff.

Dr. Wallin suggested the Commission might want to defer making changes to the system given their earlier discussion to support staff in adhering to proffer submittal deadlines. Determining if this would address their concerns should be done before implementing a lockout system.

Ms. Sytira Saunders explained the project manager for that case can go in and see when proffers and attachments are added by the applicant. The item is time stamped for documentation.

Mr. Gulley indicated that he would like to have the Planning department manage the proposed lock out system.

Dr. Brown suggested the Commission revisit the issue in November 2013 with updates from the Planning staff.

XIII. RECESS.

The Commission recessed at 3:52 p.m. for the 4:00 p.m. public meeting.

4:00 P.M. PUBLIC MEETING.

I. CALL TO ORDER.

Dr. Brown, Chairman, called the meeting to order at 4:04 p.m., in the Public Meeting Room, Lane B. Ramsey Administration Building, 10001 Iron Bridge Road, Chesterfield, VA

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

III. APPROVAL OF MINUTES.

On motion of Mr. Gulley, seconded by Dr. Wallin, the Commission resolved to defer consideration of the July 16, 2013 Planning Commission to September 17, 2013 public hearing.

AYES: Messrs. Brown, Wallin, Gulley, Patton and Waller.

IV. PUBLIC MEETING.

VI. CONSENT ITEMS: SCHEMATIC PLAN, SITE PLAN APPROVAL.

- A. <u>13PS0240</u>*: In Midlothian Magisterial District, **South River Compounding Pharmacy** requests approval to amend the sign package for **South River Compounding Pharmacy** in a General Office (O-2) District on 1.1 acres located at 11420 West Huguenot Road. Tax ID 741-715-4460.
 - Mr. Evan Opal, the applicant's representative accepted staff's recommendation.
 - Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Brown closed the public hearing.

In response to Mr. Waller's question, Mr. Dopp indicated that the home owner's association and business community were in support of the request.

On motion of Mr. Waller, seconded by Dr. Wallin, the Commission resolved to approve Case 13PS0240 subject to the following condition:

CONDITION

Signage shall conform to current ordinance standards except no freestanding sign shall be permitted. (P)

AYES: Messrs. Brown, Wallin, Gulley, Patton and Waller.

B. 14PR0100: In Clover Hill Magisterial District, YHB, LLC requests approval of architectural elevations and conceptual landscape plan for 13561 Waterford Place in a Light Industrial (I-1) District with conditional use planned development on approximately 0.9 acre located approximately 100 feet off of the south line of Waterford Lake Drive and approximately 250 feet off of the east line of Charter Colony Parkway. Tax ID 729-689-8414.

Ms. Yasmine Hamad, the applicant's representative accepted staff's recommendation.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Brown closed the public hearing.

On motion of Mr. Gulley, seconded by Mr. Patton, the Commission resolved to approve Case 14PR0100.

AYES: Messrs. Brown, Wallin, Gulley, Patton and Waller.

C. <u>14PR0104</u>: In Bermuda Magisterial District, **Burger Busters**, **Inc - Tom Cook** requests approval of architectural elevations for **Taco Bell – River's Bend Center** in a Residential (R-15) District with conditional use planned development and a Community Business (C-3) District on approximately 1.3 acres located on the north line of East Hundred Road approximately 200 feet west of Kingston Avenue. Tax ID 818-651-9492. ■

Mr. Chris Thompson, the applicant's representative accepted staff's recommendation.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Brown closed the public hearing.

Mr. Patton expressed his appreciation to staff for their work on this case.

On motion of Mr. Patton, seconded by Mr. Gulley, the Commission resolved to approve Case 14PR0104.

AYES: Messrs. Brown, Wallin, Gulley, Patton and Waller.

VII. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:11 p.m. agreeing to meet in the Executive Meeting Room for dinner at 5:00 p.m.; and to reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

6:00 P.M. PUBLIC HEARING.

I. INVOCATION.

Dr. Brown presented the invocation.

II. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

The Commission led the Pledge of Allegiance to the Flag.

III. REVIEW AGENDAS FOR UPCOMING MONTHS.

Mr. Kirk Turner apprised the Commission of the caseload agendas for September, October, November and December, 2013.

IV. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

V. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

VI. CITIZENS' COMMENT ON UNSCHEDULED MATTERS.

There were no citizens' comments on unscheduled matters.

VII. PUBLIC HEARING.

WITHDRAWAL REQUEST.

B. 12SN0107*: (AMENDED) In Midlothian Magisterial District, Douglas and Susan Sowers request conditional use to permit special events and retail sales plus conditional use planned development to permit exceptions to ordinance requirements relative to paving and amendment of zoning district map in an Agricultural (A) District on 23.1 acres located in the southwest corner of County Line and Hallsboro Roads. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Phased Suburban Residential use (maximum of 2.0 dwellings per acre). Tax IDs 704-702-Part of 7350 and 705-703-1168.

The Commission acknowledged withdrawal of Case 12SN0107.

DEFERRAL REQUESTS BY INDIVIDUAL PLANNING COMMISSIONERS.

A. <u>06SN0220*</u>: (AMENDED) In Dale Magisterial District, **Brookstone Builders** requests rezoning from Agricultural (A) and Residential (R-12) to Residential (R-15) and amendment of zoning district map of 140.6 acres fronting in 470 feet on the north line of Jacobs Road, west of Fordham Road, also fronting 1,300 feet on the south and west lines of Fordham Road. Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax IDs 753-684-4148; 755-683-7406; 756-683-5406; 757-682-0789 and 3089; and 757-683-1431 and 1912.

Mr. Andy Scherzer, the applicant's representative accepted deferral of Case 06SN0220 by Dr. Brown to the November 19, 2013 public hearing.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

On motion of Dr. Brown, seconded by Mr. Gulley, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 06SN0220 to the November 19, 2013 Planning Commission public hearing.

AYES: Messrs. Brown, Wallin, Gulley, Patton and Waller.

D. <u>13SN0125*</u>: In Clover Hill Magisterial District, **Viridis Development Corporation** requests amendment of zoning (Case 06SN0127) to eliminate cash proffers and increase density and amendment of zoning district map in a Residential (R-12) District on 22.6 acres lying at the northern terminus of Vickilee Road, the western terminus of Marblethorpe Road, the eastern terminus of North Vickilee Road and Vickilee Court. Residential use of up to 3.63 units per acre is permitted in the Residential (R-7) District. The Comprehensive Plan suggests the property is appropriate for Residential use of 2.5 dwellings/acre or less. Tax IDs 746-699-8830; and 747-699-0744, 1248, 1750, 2453, 3040 and 4454. ■

Ms. Carrie Coyner, the applicant's representative accepted deferral of Case 13SN0125 by Mr. Gulley to the November 19, 2013 public hearing.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Patton, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 13SN0125 to the November 19, 2013 Planning Commission public hearing.

AYES: Messrs. Brown, Wallin, Gulley, Patton and Waller.

J. <u>13SN0527*</u>: In Dale Magisterial District, **Balzer and Associates** requests rezoning from Residential (R-7) to Community Business (C-3) and amendment of zoning district map on 10.7 acres located in the southwest quadrant of Jessup and Iron Bridge Roads. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre), Neighborhood Office and, under certain circumstances, Community and Regional Mixed uses. Tax IDs 775-686-5943, 8044, 8720 and 9744; 776-686-1206, 1722 and 1746. ■

Mr. Andy Scherzer, the applicant's representative accepted deferral of Case 13SN0527 by Dr. Brown to the October 15, 2013 public hearing.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

Dr. Brown expressed concern regarding communication sent to the members of the Commission from a citizen that contained misstatements of facts that were not related to the case. Dr. Brown addressed statements from the letter noting the Planning staff are objective in the performance of their job functions and prepare information in an unbiased manner and do so according to policy and ordinances adopted by Board. He also noted that the Commission will continue to make decisions that are best for the County and its citizens.

Dr. Brown made a motion to defer Case 13SN0527 to the October 15, 2013, public hearing. The motion was seconded by Mr. Waller.

Mr. Gulley expressed concern that during the discussions of the Comprehensive Plan the Commission agreed that there would be issues to arise that would need to be looked at closer. He indicated that this was one possibility where a regional node may not be appropriate and the Comprehensive Plan designation should be revisited.

Mr. Waller stated he agreed with Mr. Gulley; that the regional mixed use doesn't fit the area and that there are similar areas to review in his district.

Dr. Wallin indicated he concurred that the Comprehensive Plan may have an error in it for this location; noting that the Plan is a vision for the future and when looking at the particular project and its location, the case warrants careful consideration of uses. He indicated that he felt the property was appropriate for commercial development and due to its unique location, special consideration needs to be given to the type of commercial development approved.

Mr. Patton stated he agreed with the Commissioners noting that there are errors in his district. He thanked the citizens in attendance for their productive comments and commitment to the case.

In response to Dr. Brown, Mr. Scherzer indicated that he consented to a deferral to the November public hearing, noting he felt confident that there will be sufficient time for everyone to have an opportunity to evaluate the facts.

The following amended motion was made at Dr. Brown's request.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 13SN0527 to the November 19, 2013 Planning Commission public hearing.

AYES: Messrs. Brown, Wallin, Gulley, Patton and Waller.

• <u>CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.</u>

F. <u>13SN0135</u>*: In Dale Magisterial District, **Nash Road/Woodpecker Road**, **LLC** requests amendment of zoning (Cases 05SN0229 and 10SN0205) relative to the deletion of cash proffers and to modify the payment schedule of a transportation contribution and amendment of zoning district map in a Residential (R-40) District on 396.5 acres fronting 1,100 feet on the southeast line of Nash Road,

3,200 feet northeast of Eastfair Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential Agricultural use (maximum of 0.5 dwellings per acre). Tax IDs 764-651-8397 and 9675, 764-652-2073, 3652, 5794, 5945, 7128 and 9038, 764-653-7161 and 9082, 764-654-7731, 765-651-1286 and 8282, 765-652-0116, 765-653-0570, 2660, 3491, 4805 and 8964, 766-652-5669, 766-653-0613, 768-654-0842 and 769-652-7448. ■

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation and noted the County is in receipt of a lump sum of less than \$900,000 as it relates to the request property; that they are not looking for a refund and requested that they transition to a per lot cash payment throughout the development process for this case.

Dr. Brown opened the floor for public comments.

There being no one to speak, Dr. Brown closed the public hearing.

In response to Commission's questions about the value of different payment schedules (lump sum vs. per unit payments) and guidance from the Cash Proffer Policy and Board of Supervisors, Alan Carmody, Budget Director, stated that the Board has not revised the policy relative to lump sum payments and the current policy allows for flexibility in consideration of each case. He stated that he views this case as a proposal to convert a method of payment and the escalation clause enhances the conversion of payment from lump sum to per unit. He responded that there may be a difference in value of a lump sum payment verses per lot payments over time and that specific information on that difference could be provided.

In response to questions regarding the Transportation Department's support for removing the lump sum payment requirement, John McCracken, Director of the Transportation Department, offered a history of the case as it related to the extension of Nash Road out to Route 10. He stated he felt per lot payments were appropriate now and that Transportation still supports the extension of Nash Road, as shown on the Thoroughfare Plan.

Dr. Wallin expressed concerns that the proffered conditions do not fully address the impacts on facilities other than roads.

Dr. Brown and Mr. Patton explained that they felt like the current proposal offers a fair compromise. Dr. Brown added that he believes the escalation offered with the payments off-sets the difference in value of a lump sum payment and a per lot amount.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 13SN0135 subject to the proffers and conditions in the staff report and addendum.

The Commission being polled, the vote was as follows:

Mr. Patton: Aye.
Mr. Gulley: Nay.
Dr. Brown: Aye.
Dr. Wallin: Nay.
Mr. Waller: Nay.

Due to the lack of a majority vote, the following motion was made:

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to recommend denial of Case 13SN0135.

AYES: Messrs. Wallin, Gulley and Waller.

NAYS: Messrs. Brown and Patton.

G. 13PD0228*: In Bermuda Magisterial District, Chesterfield County Parks and Recreation requests substantial accord determination to permit a special purpose park and amendment of zoning district map in Agricultural (A) and Residential (R-15) Districts on 13.6 acres fronting 50 feet on the northern terminus of Wood Duck Lane, northwest of Fox Knoll Drive, also fronting 310 feet on the west line of Howlett Line Drive, 1,030 feet north of Fox Knoll Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Conservation Recreation and Suburban Residential II uses (2.0 to 4.0 dwellings per acre). Tax IDs 807-646-5621 and 8773.

Mr. Stuart Connock, the applicant's representative, accepted staff's recommendation.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Brown closed the public hearing.

On motion of Mr. Patton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 13PD0228 subject to the following condition:

CONDITION

Development shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) uses in an Emerging Growth District Area. (P)

AYES: Messrs. Brown, Wallin, Gulley, Patton and Waller.

H. 13PD0229*: In Dale Magisterial District, Chesterfield County Parks and Recreation requests substantial accord determination to permit a special purpose park and amendment of zoning district map in a Residential (R-12) District on 2.5 acres lying 270 feet off the southern terminus of Branchs Woods Lane. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax IDs 786-670-Parts of 4173 and 4249.

Mr. Stuart Connock, the applicant's representative, accepted staff's recommendation.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Brown closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 13PD0229, subject to the following conditions:

CONDITIONS

- 1. Development shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) uses in an Emerging Growth District Area. (P)
- 2. Development of the park shall not occur until adequate public access, as determined by the Planning Department, is provided from a public road to the park site. (P)

AYES: Messrs. Brown, Wallin, Gulley, Patton and Waller.

I. <u>13PD0230</u>*: (AMENDED): In Bermuda Magisterial District, Chesterfield County Parks and Recreation requests substantial accord determination to permit a special purpose park and amendment of zoning district map in an Agricultural (A) District on 16.5 acres fronting 690 feet on the north line of Battery Dantzler Road, 40 feet west of Battery Dantzler Court. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax IDs 804-655-4988 and 7181; 804-656-6427; and 805-656-0727.

Mr. Stuart Connock, the applicant's representative, accepted staff's recommendation.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Brown closed the public hearing.

On motion of Mr. Patton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 13PD0230, subject to the following condition:

CONDITION

Development shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) uses in an Emerging Growth District Area. (P)

AYES: Messrs. Brown, Wallin, Gulley, Patton and Waller.

K. 13SN0539: In Matoaca Magisterial District, MGME Richmond-Harbourside, LLC requests amendment of conditional use planned development (Case 88SN0056) relative to uses and amendment of zoning district map in a Neighborhood Business (C-2) District on 3.3 acres fronting 260 feet on the south line of Hull Street Road, 210 feet west of Mockingbird Lane. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax ID 730-674-0607.

Mr. Mead Spotts, the applicant's representative, accepted staff's recommendation.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Brown closed the public hearing.

Dr. Wallin indicated that he had met with the owner, agents, staff and surrounding land owners noting that the project will enhance neighborhood service shops and fill commercial development.

On motion of Dr. Wallin, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 13SN0539, subject to the following proffered condition:

PROFFERED CONDITION

Condition 11 of Case 88SN0056, as amended in Case 02SN0236, is further amended to allow the following uses, in addition to those already permitted:

- a. Antique shops;
- Art schools, galleries or museums;
- c. Artist material and supply stores;
- d. Catering establishments;
- e. Curio or gift shops;
- f. Eyewear sales and services;
- g. Meat or seafood markets;
- h. Musical instrument stores;
- Pet shops, including pet grooming;
- j. Post offices and mailing services;
- k. Schools music, dance and business;
- Veterinary clinics;
- Recreational establishments, commercial-indoor: limited to dance studios, exercise and fitness studios, health clubs, martial arts studios, children's activity centers and other uses of similar intensity and nature as determined by the Director of Planning;
- n. Restaurants, to include carry-out;
- o. Secondhand and consignment stores (excluding motor vehicle consignment lots): provided that any tenant space shall not exceed 4,400 gross square feet. (P)

(STAFF NOTE: These uses are in addition to those uses permitted by Case 88SN0056 and Case 02SN0236 and noted in Attachments 1 and 2.)

AYES: Messrs. Brown, Wallin, Gulley, Patton and Waller.

- L. 13SN0540: In Midlothian Magisterial District, Holiday Signs requests conditional use to permit an electronic message center sign and amendment of zoning district map in a General Industrial (I-2) District on 26 acres fronting in three (3) places for a total of 260 feet on the north line of Midlothian Turnpike, west of Watkins Centre Parkway, also fronting in two (2) places for a total of 1150 feet on the west line of Watkins Centre Parkway, north of Midlothian Turnpike. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed use. Tax IDs 714-711-9668; 715-711-4068, 8015, 8238; and 715-712-3410.
 - Mr. Evan Opal, the applicant's representative, accepted staff's recommendation.
 - Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Brown closed the public hearing.

On motion of Mr. Waller, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 13SN0540, subject to the following proffered conditions:

PROFFERED CONDITIONS

- 1. In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:
 - a. Copy shall be limited to a maximum of three (3) lines and shall not move but may fade;
 - b. The message or display shall be programmed to change no more than once every thirty (30) seconds;
 - Sequential messaging shall be prohibited;
 - d. Flashing and traveling messages shall be prohibited;
 - e. Bijou lighting and animation effects shall be prohibited;
 - f. The electronic message center shall be incorporated into an architecturally designed sign structure that is compatible and complimentary to the building it serves; and
 - g. Brightness shall be limited so as not to exceed 0.3 foot candles above ambient light as measured using a foot candle meter at a distance of 100 feet. The

computer-controlled, variable message, electronic sign shall have a photocell that automatically adjusts the brightness according to ambient light conditions. (P)

2. The sign location shall be limited to Tax ID 715-711-8015. (P)

AYES: Messrs. Brown, Wallin, Gulley, Patton and Waller.

REZONING AND CONDITIONAL USE PLANNED DEVELOPMENTS.

C. 125N0227*: In Bermuda Magisterial District, **Twin Rivers**, **LLC** requests amendment of conditional use planned development (Case 08SN0111) relative to conceptual plan, uses, development standards, access and deletion of cash proffers and amendment of zoning district map in a Community Business (C-3) District on 67.7 acres located in the southwest corner of Meadowville and North Enon Church Roads. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Mixed use. Tax IDs 823-659-3856, 6573 and 9483; and 824-659-2386, 5689 and 8890. ■

Mr. Patton stated the case before the Commission was one of two (2) cases delivered to the Commission at a late date noting the case's complexity and the need for continued work on the case also noting that he would request the applicant consider deferral of the case until the remaining issues could be resolved.

Ms. Carrie Coyner, the applicant's representative, consented to a deferral to the Commission's September 17, 2013 public hearing.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Brown closed the public hearing.

On motion of Mr. Patton, seconded by Mr. Gulley, the Commission, with the applicant's consent, resolved to defer Case 12SN0227, to the September 17, 2013 public hearing.

AYES: Messrs. Brown, Wallin, Gulley, Patton and Waller.

E. <u>13SN0131</u>*: (AMENDED) In Dale Magisterial District, **Terraforge, Inc.** requests amendment of conditional use planned development (Case 05SN0219) relative to the deletion of cash proffers; modifications to open space and recreational areas; and amendment of zoning district map in a Residential (R-12) District on 174.8 acres fronting 2,400 feet on the east line of Conifer Road, 480 feet south of Bellbrook Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax IDs 784-675-1052; 784-676-4783, 5382 and 6098; 784-677-4902; 785-675-2669, 2976, 3080, 3771 and 3975; 785-676-2781, 2890 and 8097; and 785-677-2754, 3100, 3236, 3310, 3418, 3527, 3658 and 4240. ■

Mr. Robert Clay provided an overview of the request and staff's recommendation for denial. He stated zoning was granted on the subject property in 2005 at which time the applicant offered, and the Board accepted the full cash proffers. With approval of the 2005 case, the applicant also agreed to provide open space and recreational areas, with a time for completion of amenities associated with these areas. He noted that while the applicant has offered additional open space areas with this request, along with architectural standards for dwellings and an escalation of timing for the completion of open space amenities, the request did not mitigate the impacts of the development on necessary capital facilities.

Ms. Carrie Coyner, the applicant's representative applicant's representative indicated that this case presented an opportunity for revitalization in an aging area, noting that the request property is adjacent to the Defense Supply Center, a railroad and the neighborhood is on the list of schools for the bond referendum. She noted there is a need for incentives in areas identified for revitalization. She stated the ability to keep up with high-quality design standards is difficult, noting that mid to lower priced product homes are required to pay the current cash proffer in an area that already has public facilities in place. She indicated her applicant was committed to move forward with the amenities; that residents have been provided design standards and positive feedback has been received from the community regarding the timing and design standards of the amenities. She stated that although it's not a part of the Cash Proffer Policy to give credits for improvements in older communities, she felt that it is necessary to look at that as an option to encourage reinvestment in areas identified for revitalization. She also stated the developer made drainage improvements to the subject property over and above requirements for the project.

In response to Mr. Patton's question, Ms. Coyner indicated the price point of homes ranged from \$260,000-305,000 with the majority in the \$190,000-270,000 range noting that there was a mix of residential lot sizes.

In response to Mr. Waller's question and concern relative to a discrepancy in the minimum of square footage of homes noted in the previous 2010 case and the pattern book proffered with this current request, Ms. Coyner indicated that dwelling size would follow the 2010 conditions and that Proffered Condition 3 would be modified accordingly.

Dr. Brown opened the floor for public comments.

Mr. George Rogerson, President of the Woodlake Community Association read a letter prepared by the Board of Directors noting their opposition to the reduction or elimination of proffers in any case, and although the developer is providing amenities to the development, they do not assist with the impact on schools, libraries, roads, parks, police, and Fire/EMS.

Ms. Penny McPherson, stated she supports elimination of cash proffers and modification to open space.

Mr. Bob Olsen, requested the Commission recommend denial of the case stating the developer made a commitment to pay proffers in the original case and that the money should be used for school improvements.

Ms. Katonda Potts Prosice, stated she supported elimination the of cash proffer to help build the community.

There being no one else to speak, Dr. Brown closed the public hearing.

The Commission questioned the measurement of quality and the lack of definitions for revitalization and infill in considering a balance with capital facility impacts. It was recognized that the existing community residents would benefit from neighborhood development and amenities.

Mr. Gulley indicated that without clarification on these issues, the request is premature.

Dr. Wallin noted concerns that the value of the proposal was not balanced with determining the cash proffer.

Dr. Brown and Mr. Waller indicated a need for clarification and flexibility relative to the Cash Proffer Policy.

Mr. Patton noted support for the case as a quality product and that the policy provides for flexibility.

On motion of Dr. Brown, seconded by Mr. Gulley, the Commission, resolved to recommend denial of 13SN0131.

AYES: Messrs. Brown, Wallin and Gulley.

NAYS: Messrs. Patton and Waller.

VIII. CITIZEN COMMENTS ON UNSCHEDULED MATTERS.

Ms. Carrie Coyner expressed appreciation for staff's outstanding work on the new CIDS system. She explained as an end user, she would like to see CDIS be more aligned with the site plan/subdivision process relative to the ability to see comments in the system.

Mr. Bob Olsen noted a concern regarding a report he received from the Department of Environmental Quality indicating the Virginia Barking Tree Frog was a threatened species according to the Virginia Department of Game and Inland Fisheries and that Chesterfield County was one of most impacted areas due to urbanization. He expressed concern that no one is addressing the impact that rezoning has on the Barking Tree Frog and suggested that the issue be addressed by Planning or Environmental Engineering Department.

Dr. Brown expressed his appreciation and applauded Mr. Turner regarding a letter send to the owner of Skinguarter Landfill and its attorney.

IX. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Patton, the meeting adjourned at 8:14 p.m. to Tuesday, September 17, at 3:00 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

Chairman/Date	Secretary/Date